

UNITED STATES DISTRICT COURT

Case No.: 2:17-cr-124-JAD-EJY-3

V.

Order Re: Pending Motions

[ECF Nos. 434, 435]

Defendant

Damien Norris was convicted of distribution of a controlled substance after a three-day jury trial in March 2019.¹ At his December 2019 sentencing, he was sentenced to 104 months custody followed by three years of supervised release.² Norris has since filed two motions.

Norris's request for return of his personal property is granted. The government does not oppose the request and explains in response that "Counsel for the government has contacted [the Drug Enforcement Agency] and they are prepared to release the evidence to an authorized representative of the defendant."⁵ Norris or his counsel should send a letter to Mr. Knief,

² ECF No. 418 (judgment).

⁴ ECF No. 435.

⁵ ECF No. 455.


1 as evidence or deemed contraband) and making arrangements for that representative to receive
2 those items. That letter should not be sent to the court.

3 Norris's request for a sentence reduction based on Amendment 782 and 18 U.S.C.
4 § 3582(c)(2) is denied as meritless. Title 18 section 3582(c)(2) allows a sentencing court to
5 reduce a previously imposed sentence "based on a sentencing range that has subsequently been
6 lowered by the Sentencing Commission" in certain limited circumstances.⁶ But, as the
7 government points out in its opposition,⁷ Amendment 782 did not "subsequently" lower Norris's
8 sentencing range. That Amendment went into effect in 2014—five years before Norris was
9 sentenced.⁸ So, when Norris's guideline level was calculated and his sentence was imposed, the
10 benefits of Amendment 782 were already factored in. Norris is thus not eligible for relief under
11 18 U.S.C. § 3582(c)(2) and Amendment 782.

12 **IT IS THEREFORE ORDERED** that Norris's Motion for Return of Property
13 **[ECF No. 434] is GRANTED.** Norris or his counsel must make arrangements with the
14 government for an authorized representative to receive the non-evidentiary, non-contraband
15 items seized from Norris's home.

16 **IT IS FURTHER ORDERED** that Norris's motion for a sentence reduction
17 **[ECF No. 435] is DENIED.**

18 Dated: March 23, 2020

19 
20 U.S. District Judge Jennifer A. Dorsey

21 ⁶ 18 U.S.C. § 3582(c)(2).

22 ⁷ ECF No. 453.

23 ⁸ *United States v. Navarro*, 800 F.3d 1104, 1107 (9th Cir. 2015) ("On November 1, 2014, the Commission issued Amendment 782 to its Sentencing Guidelines, which lowered the recommended sentences for certain drug crimes . . .").